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## BOSTON JUVENILE COURT PROCEDURE.

by law as a penalty for such offense and the minimum term was not to be less than one year. In the case of persons, however, having been already twice convicted and imprisoned in the penitentiary, the court was required to sentence the offender to a maximum term of thirty years. The chairman of the State Board of Charities, one other member designated by said board, and the attorney-general were to be constituted a board of parole, with authority to release on parole any convict having been in confinement for a period not less than the minimum term, if, in the judgment of the board of parole, the prisoner was likely to lead an orderly life if set at liberty.

J. W. G.

CRITICISM OF THE BOSTON JUVENILE COURT.—The *Juvenile Court Record*, in its March and April issues, criticizes the procedure of the Boston Juvenile Court as being not only contrary to sound public policy but as being in violation of the law under which it was created. "The fact is," says the editor of the *Record*, "the Boston Juvenile Court is one in name only. It is a criminal court of limited jurisdiction. It has no civil nor chancery jurisdiction. The procedure of the court is wholly illegal and not conducted in accordance with the law. The rights of parents are not safeguarded under the law. We should bear in mind at all times the fact that the American system of government is controlled and directed by laws, not men. It cannot be too often nor too strongly impressed upon those who administer a branch of the government. Where a proper spirit and good judgment are followed as guides, oppression can and will be avoided."

"The law which the Boston Juvenile Court administers is defective. It deals, so far as the delinquents are concerned, solely with the child. The parent is not made a party to the proceedings, nor his rights adjudicated. He is simply notified of the proceedings. The Massachusetts law, so far as the wayward and delinquent children are concerned, reverses the common law and refuses in a great measure to follow the rule in other states, which is that the child must first be found wayward or delinquent, and, second, that the parent must be found unfit, unable and unwilling to properly provide for his child. The rights of the parents are only incidentally recognized. The general rule is that parents have the right to the custody of their children, which the law should not only recognize but enforce. It should be of equal value as property rights and the right of life and liberty. No parent should be deprived of his child until he is proven to be unfit or unable to properly care for the child. These general principles are recognized in Massachusetts where parents are able to protect their rights. Where they are not able to do so, then the state in its majesty and power should apply with greater care the same rules and laws that apply to the person of intelligence and financial standing. . . .

"In the light of the authorities, and in view of the fact that a child may be taken from its parents and its care, custody and education transferred to strangers, who at best can only supplement that parental love and affection that is imbedded in the hearts of all true fathers and mothers, it would seem that the law should be safeguarded in such a way as to protect the rights of both parent and child. Notwithstanding these great principles and questions involved, the Massachusetts laws which are administered by the Boston Juvenile Court are so loosely drawn that only one parent need be notified of a case that is pending in court, and then only where such parent resides within the city or town where such child is found." (Sec. 4, Chap. 413, Acts of 1906, Mass.)

J. W. G.